

MAR 16 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 09-90116

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se litigant, alleges that the district judge assigned to his civil case committed various substantive and procedural errors including dismissing his case. These charges relate directly to the merits of the judge's rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B). The appellate process, not a misconduct complaint, is the proper vehicle for challenging the merits of a judge's rulings. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant also alleges that the judge was biased against him and conspired with the defense through the ““Good old boys’ system in the court” to defy “what the written laws of this land demand.” But complainant hasn’t provided any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support these allegations, see In re

Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009), and adverse rulings do not constitute proof of bias or conspiracy. Because there is no evidence that misconduct occurred, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Finally, to the extent complainant raises allegations against the defendant and its counsel, these allegations are dismissed because this misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

DISMISSED.